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BEFORE THE ARIZONA CORPORATION COMMISSION

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Chairman

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Commissioner

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Commissioner

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AZ CORP COMMISSION
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IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S
COMPLIANCE WITH § 271 OF THE
TELECOMMUNICATIONS ACT OF 1996

Docket No. T-00000A-97-0238

MOTION TO STRIKE
QWEST'S COMMENTS

Consistent with procedural order dated June 12, 2000, AT&T Communications of the Mountain States, Inc., TCG Phoenix and WorldCom Inc., on behalf of its regulated subsidiaries (collectively "Joint Intervenors") hereby move for an order striking Qwest Corporation's ("Qwest") late-filed comments regarding the "Final Report on Qwest's Compliance with Section 271 Emerging Services." As grounds therefor, the Joint Intervenors state as follows:

1. On June 12, 2000, Assistant Chief Administrative Law Judge, Karen E. Nally, issued a procedural order defining the filings and due dates in this proceeding. This order mandates that comments regarding Staff reports, if any, should be filed within ten days of issuance of the report. Procedural Order at 4. Thereafter, Staff is to submit its final report to the Hearing Division, with a procedural recommendation. *Id.* The Order does not contemplate further action by the parties unless the Hearing Division sets the matter for further briefing or argument. *Id.*

Arizona Corporation Commission

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2. Staff issued its draft emerging services Report for party comment on July 9, 2001. Any comments related thereto were due on or before July 19th. The Hearing Division has not assigned further briefing or argument in relation to the "Final Report on Qwest's Compliance with Section 271 Emerging Services" issued on August 1st.

3. Despite the fact that no further argument is contemplated, Qwest filed more comments on August 14, 2001. In these comments Qwest proceeds to augment its record and make arguments regarding Line Sharing (Disputed Issue No. 5), Subloop Unbundling (Disputed Issues 1, 4, 5, 6, 7, and 9), Dark Fiber (Disputed Issues 1), and Packet Switching.

4. Because the other parties to these proceedings are bound to the briefing and comment schedules, Qwest too should be equally bound. It is wholly inappropriate and inequitable to the opposing parties for Qwest to take never-ending opportunities to continue to amend and alter its arguments.

WHEREFORE, the Joint Intervenors respectfully request that the ALJ, strike Qwest's August 14, 2001 comments as an inappropriate violation of the procedural schedule and order Qwest to cease making any similar filings.

Dated this 21st day of August, 2001.

**AT&T COMMUNICATIONS OF THE
MOUNTAIN STATES, INC. AND TCG
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CERTIFICATE OF SERVICE

I certify that the original and 10 copies of AT&T and WorldCom's Motion to Strike Qwest's Emerging Services Comments in Docket No. T-00000A-97-0238 were sent by overnight delivery on August 21, 2001 to:

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